

Remarks

Of pending claims 1-78, claims 1-6, 8, 28-33, and 37 are allowed, and claims 7, 9-13, 20, 22-26, 36, and 38-78 are withdrawn, leaving claims 14-19, 21, 27, 34, and 35 at issue. The claims at issue have been amended to include the recitations of allowed claim 1 or allowed claim 28, with the exception of claim 27, which has been amended in a different manner, as noted in greater detail hereinafter.

Applicants respectfully traverse the rejection of claims 14-16 and 21 as anticipated by Stevens. Claim 14, as amended, and claims 15, 16, and 21 dependent thereon now recite, in part: "a tapered outside surface extending to a reduced diameter tip terminating in an exterior end that has at least one side opening therethrough..." This feature is not disclosed or suggested by Stevens. Allowance of claims 14-16 and 21 is respectfully requested.

Applicants further traverse the rejection of claims 17-19, 27, 34, and 35 as obvious over Stevens in view of D. Young. Claims 17-19, 34, and 35 are now believed to be in condition for allowance. Claims 17-19 depend from amended claim 14, and thus claims 17-19 now incorporate the recitations of allowed claim 1, which recitations are neither disclosed nor suggested by Stevens or D. Young. Claims 34 and 35 have been made dependent on allowed claim 28. The combination of features recited by allowed claim 28 are not taught or suggested by Stevens or D. Young.

Independent claim 27 as amended recites in part: "wherein the chamber temporarily stores product prior to dispensing product from the apparatus." Claim 27 has been amended to define over the cited references by clarifying the recited "chamber." Each of the three references relied on by the examiner discloses dispensing product directly or nearly directly from a valve stem of a container to ambient surroundings through a spray button or the like, but none of these references discloses or suggests the recited chamber that temporarily stores product prior to dispensing. In the present application, the disclosed chamber may include one or more valves to enable this temporary storage. The chamber may even heat product temporarily stored therein. The chamber of the present application is different than a passage from a valve stem to an exit orifice of a spray button, which does not allow temporary storage of product.

The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217, U.S.P.Q. 1 (Fed. Cir. 1983); *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because the cited references (individually or collectively) do not teach or suggest that it would have been desirable or even possible to provide a side opening to permit supplying a chamber of dispensing apparatus as specified by claim 27 at issue, it follows that claim 27 is not obvious thereover.

The foregoing amendments are believed to place all of the claims in condition for allowance. Reconsideration and allowance of the foregoing claims are respectfully requested.

Respectfully submitted,

McCracken & Frank
Attorneys at Law

By: 
December 16, 2003
Anthony G. Volini
Reg. No: 48,016

200 W. Adams
Suite 2150
Chicago, Illinois 60606
(312) 263-4700

Customer No: 29471